



# California Regional Water Quality Control Board

## Central Valley Region

Robert Schneider, Chair



Gray Davis  
Governor

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Sacramento Main Office  
Internet Address: <http://www.swrcb.ca.gov/~rwqcb5>  
3443 Routier Road, Suite A, Sacramento, California 95827-3003  
Phone (916) 255-3000 • FAX (916) 255-3015

7 March 2002

CERTIFIED MAIL

7000 1670 0007 7468 4016

Mr. Henry Tosta  
20662 S. San Jose Road  
Tracy, CA 95376

### NOTICE OF VIOLATION

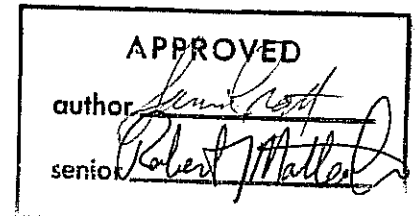
An inspection was conducted at your dairy at 20662 S. San Jose Road on 1 March in response to allegations of off property discharges of waste. The inspection revealed discharges as alleged. A copy of the inspection report is enclosed for your records.

The discharge of waste off of property under your control, and the discharge of waste to land at rates that are not reasonable are violations of the Confined Animal Facilities Regulations in Title 27 of the California Code of Regulations. The violations are subject to enforcement action. A copy of the Confined Animal Facilities Regulations is enclosed for your reference.

Please submit to this office by 8 April 2002, a written report outlining the steps that you have taken and plan to take to abate the violations and to bring your dairy into continuous compliance with the Confined Animal Facilities Regulations. Please include a schedule for the improvements that you are planning.

If you have any questions, please call Louis Pratt at (916) 255-3110.

ROBERT J. MATTEOLI  
Senior Water Quality Control Engineer



Enclosures: Inspection Report and Confined Animal Facilities Regulations.

cc: Lt. Dennis DeAnda, Department of Fish and Game, Region 2, Rancho Cordova.  
Mr. David Ire, Deputy District Attorney, Stockton.

FILE

# CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

## INSPECTION REPORT

6 March 2002

DISCHARGER: Henry and Linda Tosta  
LOCATION & COUNTY: 20662 San Jose Road, Tracy, San Joaquin County  
CONTACT(S): Henry Tosta  
INSPECTION DATE: 1 March 2002  
INSPECTED BY: Louis F. Pratt  
ACCOMPANIED BY:

### OBSERVATIONS AND COMMENTS:

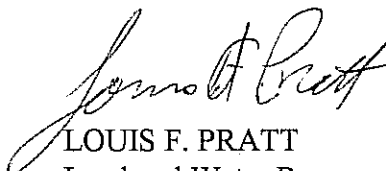
This inspection was conducted in response to a call from the Department of Fish and Game alleging discharges of waste from the dairy into a Naglee-Burk drain. The inspection revealed that wastewater from the dairy was ponded in a small field east of the dairy. The wastewater was flowing from the field in several locations into the drain on the east side of the field. No crop was growing on the field. Although an attempt had been made to abate the discharges, wastewater was flowing through the berms that had been made. Also, manure scraped from a freestall had been deposited into the drain on the south side of the dairy. Electrical conductivity readings taken were as follows (all readings are in micromhos/cm):

Wastewater flowing into the drain	3500
Clear water in the drain above the discharges	5800
Water in the drain below the discharges	4800

Mr. Tosta explained that he had been pumping wastewater out onto approximately 15 acres for approximately one year instead of using his waste pond. The reason given for not using the waste pond was the lack of a pump and distribution system.

### SUMMARY:

The dairy is in violation of Sections 22562 (a) and 22563 of the Confined Animal Facilities Regulations in Title 27 of the California Code Regulations.

  
LOUIS F. PRATT

Land and Water Resource Specialist

Approved: 